ARBITRATION
AND
MEDIATION CENTER

ADMINISTRATIVE PANEL DECISION

Primary Wave Music Publishing LLC v. Name Redacted
Case No. D2026-0290

1. The Parties

Complainant is Primary Wave Music Publishing LLC, United States of America, represented by Neal & McDevitt, United States of America.

Respondents are Name Redacted.[1]

2. The Domain Names and Registrar

The disputed domain names <primary-wave.com> and <syncprimarywave.com> (the "Domain Names") are registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 24, 2026. On January 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name <primary-wave.com>. On January 26, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on January 28, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed a first amended Complaint on the same day adding the Domain Name <syncprimarywave.com> to the proceeding.

On January 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name <syncprimarywave.com>. On January 31, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for

[1] The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent's name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. D2009-1788.

the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to Complainant on February 2, 2026, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting Complainant to either file separate complaint(s) for the Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. Complainant filed a second amended Complaint on February 2, 2026.

The Center verified that the Complaint together with the amended Complaints satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondents of the Complaint, and the proceedings commenced on February 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 24, 2026. Respondents did not submit any response. Accordingly, the Center notified Respondents' default on February 25, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on March 3, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

Founded in 2006, Complainant is a publisher of music, involved in the acquisition, stewardship and promotion of music catalogs and creators of recorded music, as well as management of artists and producers. Complainant markets and promotes its services under its PRIMARY WAVE mark, through online platforms, industry events, licensing activities and partnerships.

Complainant does not own registered trademark rights in the PRIMARY WAVE mark, but asserts that it has obtained common law trademark rights through continuous and extensive use of the mark since 2006. Such use includes its representation of songwriters, artists and record labels, with over 1,000 Top 10 singles and more than 400 number-one hits globally, strategic partnerships and receipt of widespread recognition within the music, entertainment and creative industries.

The Domain Names <primary-wave.com> and <syncprimarywave.com> were respectively registered on January 20, 2026, and January 21, 2026, and were configured with mail exchange ("MX") records for use with email services to send fraudulent phishing communications, impersonating Complainant. In particular, the Domain Name <primary-wave.com> was used to email messages from addresses associated with <primary-wave.com> that falsely purport to originate from Complainant. These emails impersonate Complainant and falsely identify the sender as an actual employee of Complainant, using that individual's real name and displaying Complainant's PRIMARY WAVE mark within the body of the message.

The Domain Name <syncprimarywave.com> was likewise used to send communications via a third-party online platform while holding out the purported sender as being reachable at an email address using <syncprimarywave.com>. The fraudulent communications included deceptive prompts such as a "Submit Your Details Here" link that directed recipients to unaffiliated third-party platforms designed to solicit personal or sensitive information under false pretenses. The communications targeted songwriters, lawyers, and other participants in the music and entertainment industry and were crafted to induce recipients to believe they were engaged in legitimate business communications with Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Names.

Notably, Complainant contends that (i) the Domain Names are confusingly similar to Complainant's trademark; (ii) Respondents have no rights or legitimate interests in the Domain Names; and (iii) Respondents registered and are using the Domain Names in bad faith.

In particular, Complainant contends that it has common law trademark rights for PRIMARY WAVE and that Respondents registered and are using the Domain Names, with the intention to confuse Internet users looking for bona fide and well-known PRIMARY WAVE services.

Complainant notes that it has no affiliation with Respondents, nor authorized Respondents to register or use a domain name which includes Complainant's trademark, and that Respondents have no rights or legitimate interests in the registration and use of the Domain Names. Rather, Complainant contends that Respondents have acted in bad faith in acquiring and setting up the Domain Names, when Respondents clearly knew of Complainant's rights.

Specifically, Complainant argues that Respondents used the Domain Names to set up email services to send fraudulent phishing communications, impersonating Complainant. The Domain Name <primary-wave.com> was used to email messages from addresses associated with <primary-wave.com> that purport to originate from Complainant, while the Domain Name itself was registered using a company name virtually identical to Complainant and using Complainant's exact mailing address. The Domain Name <syncprimarywave.com> was likewise used to send communications via a third-party online platform while holding out the purported sender as being reachable at an email address using <syncprimarywave.com>, and was also registered using the name of one of Complainant's employees.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

6.1. Preliminary Issue: Consolidation of Respondents

Complainant requests consolidation of the nominally different domain name registrants for the Domain Names into a single proceeding because they are under common ownership and/or control for the following reasons:

- Both Domain Names were registered with the same Registrar and employ the same privacy service;

- Both Domain Names use the same phone number, with similarly structured Gmail addresses;

- Both Domain Names have been used in connection with similar fraudulent schemes, including the transmission of fraudulent communications, with redirection to Complainant's legitimate website;

- The Domain Names were registered within one day of each other and target Complainant's mark in an identical manner.

Complainant contends that the combination of the above factors justifies the filing of a single Complaint for the two Domain Names, and that it would also cause Complainant to incur substantial additional time and costs, if Complainant is required to submit separate Complaints.

Respondents did not comment on Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing Complainant's request, the Panel will consider whether (i) the Domain Names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. Procedural efficiency would also underpin Panel consideration of such a consolidation scenario. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.11.2.

Panels have considered a range of factors, typically present in some combination, as useful to determining whether such consolidation is appropriate, such as similarities in or relevant aspects of (i) the registrants' identity(ies) including pseudonyms, (ii) the registrants' contact information including email address(es), postal address(es), or phone number(s), including any pattern of irregularities, (iii) relevant IP addresses, name servers, or webhost(s), (iv) the content or layout of websites corresponding to the disputed domain names, (v) the nature of the marks at issue (e.g., where a registrant targets a specific sector), (vi) any naming patterns in the disputed domain names (e.g., <mark-country> or <mark-goods>), (vii) the relevant language/scripts of the disputed domain names particularly where they are the same as the mark(s) at issue, (viii) any changes by the respondent relating to any of the above items following communications regarding the disputed domain name(s), (ix) any evidence of respondent affiliation with respect to the ability to control the disputed domain name(s), (x) any (prior) pattern of similar respondent behavior, or (xi) other arguments made by the complainant and/or disclosures by the respondent(s).

As regards the common control, the Panel notes the highly similar composition of the Domain Names, the use of Complainant's mark on the active websites; use of the same phone number on both registrant information; the closeness in registration dates of the Domain Names with the same Registrar; and the similarity of the fraudulent activities conducted through the use of the Domain Names.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different domain name registrants (referred to hereinafter as the "Respondent") in a single proceeding.

6.2. Substantive Issues

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

(i) the Domain Names are identical or confusingly similar to a trademark or service mark in which Complainant has rights;
(ii) Respondent has no rights or legitimate interests in respect of the Domain Names; and
(iii) the Domain Names were registered and are being used in bad faith.

Section 4.3 of the WIPO Overview 3.1 states that failure to respond to complainant's contentions would not by itself mean that complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that complainant's claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Under paragraph 4(a)(i) of the Policy, a complainant must demonstrate rights in the mark to which it asserts the disputed domain name is identical or confusingly similar. Here, Complainant is not relying on a registered mark; rather, it asserts unregistered or common law trademark rights in the PRIMARY WAVE mark.

It is well settled that the term "trademark or service mark" as used in paragraph 4(a)(i) encompasses both registered and unregistered marks. See, e.g., *The British Broadcasting Corporation v. Jaime Renteria*, WIPO Case No. D2000-0050; *United Artists Theatre Circuit, Inc. v. Domains for Sale Inc.*, WIPO Case No. D2002-0005; see also section 1.1 of the WIPO Overview 3.1.

To establish unregistered or common law rights as a trademark in PRIMARY WAVE, Complainant must show it acquired secondary meaning, i.e., that the public associates the asserted mark with Complainant's goods and services. See *CPP, Inc. v. Nokta Internet Technologies*, WIPO Case No. D2008-0591 (holding that when relying on unregistered or common law rights in UDRP proceedings, "the Complainant must adduce sufficient evidence to demonstrate that the claimed mark has in fact been used as a mark labeling goods or services and, through its use, attracted significant goodwill and reputation associated with the Complainant's goods or services in a definable market"); WIPO Overview 3.1, section 1.3 (relevant evidence of such secondary meaning includes length and amount of sales under the mark, and the nature and extent of advertising, consumer surveys and media recognition).

By virtue of the evidence Complainant has made of record and as noted above, the Panel finds Complainant has demonstrated acquired distinctiveness sufficient to establish unregistered or common law trademark rights in the Mark.

As prior panels have recognized, incorporating a trademark in its entirety in a domain name is generally sufficient to establish that a domain name is identical or confusingly similar to Complainant's trademark for purposes of the Policy. In the current situation, each of the Domain Names incorporate the PRIMARY WAVE mark in its entirety. The Domain Names' inclusion of Complainant's PRIMARY WAVE mark, with the addition of a hyphen "-" in the Domain Name <primary-wave.com> and the addition of the term "sync" preceding the PRIMARY WAVE mark in the Domain Name <syncprimarywave.com> does not prevent a finding of confusing similarity between the Domain Names and the PRIMARY WAVE mark. See section 1.8 of the WIPO Overview 3.1.

With Complainant's rights in the PRIMARY WAVE mark for purposes of the Policy established, the remaining question under the first element of the Policy is whether the Domain Names, typically disregarding the Top-Level Domain ("TLD") in which it was registered (in this case, ".com"), are identical or confusingly similar to Complainant's trademark.

Here, the Domain Names are confusingly similar to Complainant's PRIMARY WAVE trademark. The PRIMARY WAVE trademark is recognizable in the Domain Names.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. D2008-1393. Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its PRIMARY WAVE trademark and does not have any rights or legitimate interests in the Domain Names. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the PRIMARY WAVE trademark or to seek registration of any domain name incorporating this trademark. Respondent is also not known to be associated with the PRIMARY WAVE trademark and there is no evidence showing that Respondent has been commonly known by the Domain Names.

In addition, Respondent has not used the Domain Names in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, the record shows that Respondent had used the Domain Name <primary-wave.com> to engage in illegal activity, namely, the impersonation of Complainant by falsely identifying the sender as an actual employee of Complainant, using that individual's real name and displaying Complainant's PRIMARY WAVE mark within the body of the message.

The Domain Name <syncprimarywave.com> was used to send communications via a third-party online platform while presenting the purported sender as being reachable at an email address using <syncprimarywave.com>, and included deceptive prompts such as a "Submit Your Details Here" link that directed recipients to unaffiliated third-party platforms designed to solicit personal or sensitive information.

UDRP panels have consistently held that use of a domain name for illegal activity — such as email phishing, impersonation, or passing off — can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

Accordingly, Complainant has provided evidence supporting its prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Names. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Names. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Names and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Names in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The Panel finds that Complainant has provided ample evidence to show that the use of the PRIMARY WAVE trademark long predates the registration of the Domain Names. Complainant is also well established and known; indeed, the record shows that Complainant's PRIMARY WAVE trademark and related services are widely known and recognized for purposes of the Policy. Therefore, and also noting the use analysis below, Respondent was clearly aware of the PRIMARY WAVE trademark when it registered the Domain Names.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. D2011-2209; *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. D2001-1070; and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. D2006-0007.

As noted above, the record shows that Respondent had used the Domain Names to engage in illegal activity, namely the impersonation of one of Complainant's employees, using that individual's real name and displaying Complainant's PRIMARY WAVE mark within the body of the message.

The Domain Name <syncprimarywave.com> was used to send communications via a third-party online platform while presenting the purported sender as being reachable at an email address using <syncprimarywave.com>. The fraudulent communications included deceptive prompts such as a "Submit Your Details Here" link that directed recipients to unaffiliated third-party platforms designed to solicit personal or sensitive information. The communications targeted songwriters, lawyers, and other participants in the music and entertainment industry and were designed to induce recipients to believe they were engaged in legitimate business communications with Complainant.

UDRP panels have consistently held that a respondent's use of a domain name to trade off goodwill in a complainant's well-known trademark and impersonate complainant, as here, constitutes bad faith. See *Philip Morris Products S.A. v. homn mohmoodi*, WIPO Case No. D2022-4158. Moreover, such use of the Domain Name may potentially result in tarnishing Complainant's reputation and goodwill.

Finally, the Panel also notes the failure of Respondent to submit a response and Respondent's seemingly fraudulent contact details when registering the Domain Names. The Panel thus considers such factors as strong further evidence of Respondent's registration and use in bad faith.

In the present circumstances, considering the reputation of the PRIMARY WAVE trademark, and the fraudulent use of the Domain Names, the Panel finds that Respondent registered and is using the Domain Names in bad faith.

Therefore, the Panel finds that Complainant succeeds under the third element of paragraph 4(a) of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Names <primary-wave.com> and <syncprimarywave.com> be transferred to Complainant.

/Kimberley Chen Nobles/
Kimberley Chen Nobles
Sole Panelist
Date: March 17, 2026